



Alan Levine
T: +1 212 479 6260
alevine@cooley.com

July 8, 2020

The Hon. Philip M. Halpern
United States District Judge
U.S. District Court for the Southern District of New York
500 Pearl Street, Courtroom 12D
New York, New York 10007

The Hon. Nelson S. Roman
United States District Judge
U.S. District Court for the Southern District of New York
300 Quarropas St., Courtroom 218
White Plains, NY 10601-4150

Re: *Elizabeth Sines et al. v. Michael Peinovich*, No. 7:20-mc-00243 (PMH) and *Michael Peinovich v. Elizabeth Sines, et al.*, No. 7:20-mc-00245 (NSR)

Your Honors:

This firm and I represent Elizabeth Sines, Seth Wispelwey, Marissa Blair, April Muñiz, Marcus Martin, Natalie Romero, Chelsea Alvarado, John Doe, and Thomas Baker ("Plaintiffs") in the above-captioned miscellaneous actions ("Miscellaneous Actions"), and in a civil rights lawsuit currently pending in the Western District of Virginia captioned *Sines v. Kessler*, Civil Action No. 3:17-cv-00072-NKM ("Charlottesville Action"). We write to ask that you consolidate the Miscellaneous Actions into one case, and to propose a joint briefing schedule for that consolidated case. Michael Peinovich, through counsel, consents to these requests.

I. THE MISCELLANEOUS ACTIONS SHOULD BE CONSOLIDATED.

On June 29, 2020, Plaintiffs filed a miscellaneous action to compel compliance with a document subpoena and a deposition subpoena that issued from the Western District of Virginia requesting documents and testimony for the Charlottesville Action. *Elizabeth Sines et al. v. Michael Peinovich*, No. 7:20-mc-00243 (PMH), ECF Nos. 1-3 ("Motion to Compel"). The Motion to Compel was assigned to Judge Halpern. Plaintiffs served Mr. Peinovich, through counsel, on June 30, 2020.

On June 30, 2020, Mr. Peinovich filed a miscellaneous action to quash the same two subpoenas, and for sanctions. *Michael Peinovich v. Elizabeth Sines*, No. 7:20-mc-00245 (NSR),

Application granted. The miscellaneous case entitled *Peinovich v. Wispelwey*, bearing case number 20-mc-245 is hereby consolidated into the miscellaneous case entitled *Sines et al v. Peinovich*, bearing docket number 20-mc-243, pursuant Rule 13(c) of the Local Rules of the Southern and Eastern Districts of New York. Briefs in opposition to both motions are due 7/17/2020; reply briefs in support of both motions are due 7/24/2020.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Philip M. Halpern", written over a horizontal line.

Philip M. Halpern
United States District Judge

Dated: New York, New York
July 14, 2020



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ECF Nos. 2-3 (“Motion to Quash”). The Motion to Quash was assigned to Judge Roman. Mr. Peinovich’s lawyer served Plaintiffs through counsel on July 1, 2020.

The Miscellaneous Actions concern the same subpoenas and ask this Court to resolve whether Mr. Peinovich must comply with the subpoenas. They were filed a day apart and largely present opposite sides of the same arguments. Both cases designated White Plains as the proper division on their respective Civil Cover Sheets.¹ Consolidating the Miscellaneous Actions would promote an efficient resolution to the parties’ disputes, conserve judicial resources, and prevent inconsistent rulings relating to the same subpoenas. Therefore, the parties request that the Miscellaneous Actions be assigned to the same judge and considered simultaneously.

II. MODIFIED BRIEFING SCHEDULE.

The parties propose the following modified briefing schedule for the Miscellaneous Actions:

- July 17, 2020: Briefs in opposition to both Motions are due.
- July 24, 2020: Reply briefs in support of both Motions are due.

In support of the requested modifications to the briefing schedule, the parties state:

1. Mr. Peinovich’s opposition to the Motion to Compel is due July 14, 2020, and Plaintiffs’ reply is due on July 21, 2020. Plaintiffs’ opposition to the Motion to Quash is due July 8, 2020, and Mr. Peinovich’s reply is due July 10, 2020.
2. The parties wish to avoid the confusion, inconsistency, and expansion of arguments that would result from staggered deadlines. They wish to simplify the briefing process and focus the issues by making all oppositions and reply briefs due at the same time. It is also fairer if their motions progress on the same timeline. If the Motion to Quash were fully briefed before Mr. Peinovich’s opposition to the Motion to Compel is due, Mr. Peinovich would effectively get 35 pages (10 pages for a reply supporting the Motion to Quash, plus 25 pages in opposition to the Motion to Compel) to respond to Plaintiffs’ arguments raised in their opposition to the Motion to Quash, while Plaintiffs would only get 10 pages to respond to Mr. Peinovich’s opposition arguments. Additionally, it will be easier and more efficient for the Court to address all arguments at once.
3. This is the first request for an adjournment or extension of time in either action. This proposed schedule will not affect any other deadlines in either action.

¹ See Mot. to Compel, ECF No. 2; Mot. to Quash, ECF No. 5.



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4. All parties agree to the relief sought herein.

For the reasons stated in this letter, the parties ask the Court to consolidate the Miscellaneous Actions into one case, and adopt the proposed briefing schedule described above. We thank the Court for its consideration.

Respectfully Submitted,

/s/Alan Levine

Alan Levine

cc: Michael Kelly, counsel for Michael Peinovich